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Attorney *pro hac vice* for Respondent – Plaintiff

**IN THE UNITED STATES DISTRICT COURT**

**DISTRICT OF NORTH DAKOTA**

State of North Dakota, ex. Rel Wayne	)	Civil No. 1:08-cv-002
Stenehjem, Attorney General	)	
	)	
Petitioner,	)	<b>RESPONDENT'S OBJECTIONS TO</b>
vs.	)	<b>THE AMOUNT OF ATTORNEY'S</b>
	)	<b>FEES</b>
Simple.Net, Inc. f/k/a Dial Up	)	
Services, Inc d/b/a/ Simple.Net,	)	
	)	
Respondent.	)	
_____	)	

Respondent admits that Petitioner's legal work was skilled and competent. Petitioner also admits that the hourly rate of \$150.00 per hour is a reasonable rate for the work performed.

Respondent objects, however, to the request by Petitioner of \$6,975.00 as excessive. The Motion to Remand contains 22 lines of argument on the issue of untimeliness which forms the basis for the Court's ultimate ruling on the matter. (Doc 16). Reviewing the overall amount of the fee, the Petitioner claims almost seven thousand dollars for what was a relatively simple, straight forward Motion to Remand.

Unfortunately, Petitioner's Itemized Statement of Attorney's Fees attached to North Dakota's Statement of Attorney's Fees is insufficiently clear to allow for a detailed response, although it can be discerned with a high degree of clarity that Petitioner's Itemized Statement contains duplicative entries and duplicative work as more fully set forth in the following table:

<b>Entry</b>	<b>Objection</b>	<b>Requested Deduction</b>
1/4/2008	Petitioner claims a total of 3.4 hours for Attorneys Alm, Thomas and Grossman for what appears to be a review of the Notice of Removal. The actual attorney work performed by the three Attorneys is not specified with sufficient clarity to permit a more focused objection; however, Petitioner submits that 3.4 hours for a review of removal documents is simply excessive.	-2.00 hrs
1/7/2008	In this entry, Attorney Grossman claims 0.50 hours for "review e-mails". The actual attorney work performed by Attorney is not specified with sufficient clarity to permit a more focused objection; however, Petitioner submits that no e-mails were exchanged over the weekend between 1/4/ and 1/7 of 2008.	-0.5 hrs
1/8/2008	<ol style="list-style-type: none"> <li>1. The entry by Attorney Alm indicates a billing for "review motion for removal and related documents" which is a duplication of the 1/4/2008 entry by Attorney Alm ("review removal documents"). This entry also duplicates the efforts of Attorney Thomas relative to "research".</li> <li>2. The entry by Attorney Thomas duplicates the work by Attorney Alm ("research")</li> <li>3. The work by Attorney Grossman duplicates the work performed on 1/4/2008 and the work performed by Attorneys Alm and Thomas.</li> </ol>	<div>-2.50 hrs</div> <div>-2.50 hrs</div> <div>-1.00 hrs</div>
1/9/2008	<ol style="list-style-type: none"> <li>1. 5.2 hours claimed for "research" and "work on motion and brief" by Attorney Alm are duplicative, excessive and unnecessary.</li> </ol>	-4.00 hrs

	2. 3.3 hours claimed for “research” and “attn pleadings” is duplicative of the efforts of Attorney Alm.	-3.30 hrs
1/10/2008	1. 4.0 hours claimed for “research” and “work on brief” by Attorney Alm are duplicative, excessive and unnecessary.	-2.50 hrs
	2. 3.8 hours claimed for “research” and “attn pleadings” by Attorney Thomas is duplicative of the efforts of Attorney Alm.	-3.80 hrs
	<b>TOTAL REQUESTED DEDUCTIONS</b>	22.10 hrs

Respondent request that Petitioner’s Fees be reduced by the sum of \$3,315.00 representing 22.10 hours of requested deductions, for the total award of \$3,660.00.

RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of March, 2008.

**THE LAW FIRM OF PETER STROJNIK**




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Peter Strojnik  
Attorney for Simple.Net

**CERTIFICATE OF SERVICE**

The original of the foregoing ECF filed this 28<sup>th</sup> day of  
March, 2008, with the  
Clerk of the United States District Court  
For the District of North Dakota  
220 East Rosser Ave.  
PO Box 1193  
Bismarck ND 58502

A handwritten signature in black ink, appearing to be "R. J. T.", is written above a horizontal line.

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